

Candidacy Requirements

For

Clerk of Court

County of New Kent

April 6, 2004

Special Election

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INTRODUCTION

This bulletin and all required forms are available on our website:

WWW.SBE.STATE.VA.US

Each document is explained in Item V on Pages 4, 5 and 6 herein.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., Party Candidate Nominated By Method Other Than A Primary and Independent (Non-Party) candidate.

Your particular attention is called to Item II on Pages 1 and 2. This section addresses advertising and campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call us. Our toll-free line is 800-552-9745. You also can reach us at 804-786-6551.

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I. CONSTITUTIONAL OFFICES

Vacancies in the offices of Clerk of Court, Commonwealth's Attorney, Sheriff, Commissioner of Revenue and Treasurer must be held as soon as possible. These constitutional officers serve all residents in the county or city they are elected to represent. In some instances, the officer is shared by a county and one or more cities. When such is the case, the officer represents the residents in all jurisdictions involved in the election.

Example: The Clerk of Court in the County of Prince William also represents the Cities of Manassas and Manassas Park. This is a county office that is shared by the two cities. Candidates for this office will appear on the ballot in all three jurisdictions.

II. ADVERTISING AND CAMPAIGN MATERIALS

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to Chapter 7 the *Summary of the Campaign Finance Disclosure Act* (CFDA) published by the State Board of Elections for specific requirements.

If you have questions on the Act, please call our toll-free line and ask for the Campaign Finance Division.

The following additional information is provided for your information:

I. Sample Ballots

Any **sample** of a paper or voting machine **ballot** must contain the words **SAMPLE BALLOT**, the appropriate statement required by the Campaign Finance Disclosure Act and, in addition, must:

- (a) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
- (b) if a **paper ballot**, be printed on paper of a color **other than white**.

II. Posting

Campaign materials may **NOT** be posted on any state-owned right of way [see Page 3 herein]. Contact your County Administrator to determine whether local ordinances prohibit or restrict the posting of campaign materials.

II. ADVERTISING AND CAMPAIGN MATERIALS (continued)

c. Violations

If you believe the law has been violated and you have facts concerning the violation, you should report these facts in writing to the Commonwealth's Attorney in the county or city in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

III. VDOT INFORMATION

A “clean” campaign is a sign of the times .



Don't “trash” your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



Don't make highway workers “play politics” on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



Don't let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



Don't get “stuck” by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



Don't risk your candidate's image.

IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY. YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.



Don't risk someone's life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

IV. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- g Qualified to vote for and hold the office sought;
- g A resident of the Commonwealth for one year immediately preceding the election; and
- g A resident, by the time of filing, of the election district to be represented (New Kent County).

Exception: See § 15.2-1525 of the *Code of Virginia* for exception to this residency requirement for the office of **Commonwealth's Attorney only**. A candidate for **Commonwealth's Attorney** also must be a member of the bar of the Commonwealth.

V. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided.

Refer to either **Item VI** or **Item VII**, as applicable, for **filing deadlines and where to file**.

A. Statement of Organization for a CANDIDATE

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

Virginia law requires each candidate to provide the name of the financial institution in which he establishes his campaign account and the account number assigned to that account. If no contributions have been received nor any monies spent by the filing deadline applicable to the candidate, this form must list the name of the financial institution the candidate will use when activity occurs. An amended form must be filed when the account is opened. For further details, see **Organizing Your Candidate's Campaign Committee** in the *Summary of the Campaign Finance Disclosure Act* published by the State Board of Elections.

B. Certificate of Candidate Qualification

This document is prepared and distributed by the State Board of Elections. It must be filed by **all** candidates for election.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

C. Declaration of Candidacy

This document is prepared and distributed by the State Board of Elections. It must be filed by independent (non-party) candidates. It must be filed at the same time as the petitions.

Candidates for political party nomination by a method **other than a primary** file the above declaration and the petitions described below only if so required by the rules of the political party. Contact your party chair to determine if they are required.

D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required for the office sought must be filed together with the *Declaration of Candidacy*. Petitions **must be filed** by all **independent** (non-party) candidates.

1. Petition Circulator

Petitions may be circulated either by the candidate or any person who is either registered or eligible to be registered to vote in the district in which the candidate is seeking election (**New Kent County**). The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he personally witnessed the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The petition **NEVER** can be left unattended.

2. Number of Signatures Required

Petitions must contain the signatures of at least **125** qualified voters of the county the candidate seeks to represent (**New Kent County**).

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

3. Statement of Economic Interests

This document is prepared by the Secretary of the Commonwealth and should be available from the Clerk of the governing body. It is required to be filed by all candidates for any constitutional office.

NOTE: A person who is appointed to fill a vacancy until it is filled by special election must file another Statement of Economic Interests if he becomes a candidate in the special election. Although he had to file this document as a condition to assuming the office, another filing is required because he was not elected to the position.

VI. FILING DEADLINES AND WHERE TO FILE

For A Party Candidate Nominated By Method Other Than A Primary

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded either by the office with which the forms are filed **OR** by the State Board of Elections.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	General Registrar of New Kent County	5:00 p.m. 3/8/04
*2. Statement of Economic Interests		
*3. Statement of Organization for a CANDIDATE**	Electoral Board of New Kent County at the office of the General Registrar	5:00 p.m. 3/8/04

See DO'S AND DON'TS FOR A GENERAL or SPECIAL ELECTION

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the Special Election ballot.**

* Refer to Pages 4 through 6 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

VII. FILING DEADLINES AND WHERE TO FILE

For An Independent (Non-Party) Candidate

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded either by the office with which the forms are filed **OR** by the State Board of Elections.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	General Registrar of New Kent County	5:00 p.m. 3/8/04
*2. Petitions of Qualified Voters		
*3. Statement of Economic Interests		
*4. Certificate of Candidate Qualification		
*5. Statement of Organization for a CANDIDATE**	Electoral Board of New Kent County at the office of the General Registrar	5:00 p.m. 3/8/04

See **DO'S AND DON'TS FOR A GENERAL or SPECIAL ELECTION**

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

<p>Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the Special Election ballot.</p>

* Refer to Pages 4 through 6 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

VIII. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent [non-party] candidate may request notification of any problems with his filing that can be corrected before the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the Electoral Board of New Kent County. It must accompany the declaration of candidacy and petitions filed with the General Registrar.

The written request **does not guarantee** timely response. Certain factors may affect the electoral board's ability to follow through, that is, the number of filings, etc. It is suggested that documents be filed **at least ten [10] working days before the filing deadline** if this notice is requested.

IX. OTHER REQUIRED REPORTS

All candidates must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Electoral Board of New Kent County. See Exemption from Reporting and Contributions and Expenditures Reporting Schedules in the Campaign Finance Disclosure Handbook for details.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

X. ORDER OF NAMES ON BALLOTS

In Special Elections

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Non-partisan or independent candidates appear in alphabetical order following the candidates of political parties.

XI. THE SUCCESSFUL CANDIDATE

Any successful candidate must file, as a condition to assuming office, with the **Clerk of the Board of Supervisors**, a **second** Statement of Economic Interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the Clerk of the Board of Supervisors.

The successful candidate in a *special election* is required by law to qualify and take the oath of office within thirty days of the election. Failure to so qualify creates a vacancy in the office.

XII. FREQUENTLY ASKED QUESTIONS

1. Who may circulate a candidate's petitions?

A candidate may circulate his/her own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is either a qualified voter or who is eligible to be a qualified voter of the election district.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

2. I am circulating a petition for a candidate; may I also sign as a qualified voter the petition that I am circulating?

I am a Notary circulating petitions for a candidate; may I notarize the petition pages I circulate?

NO TO BOTH. The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of the signatures on the petition and no person can witness his/her own signature.

3. I am a candidate and a Notary; may I notarize the petition pages circulated by other persons?

NO. § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

XII. FREQUENTLY ASKED QUESTIONS (continued)

4. I work for the federal government; can I be a candidate?

Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a **non-partisan election** or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford or the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth you may be an **independent candidate for local office in a partisan election**. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

To determine whether you might also be affected by the rules and regulations of the agency for which you work, **contact your personnel officer**.

It should also be noted that most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations.

5. I work for the state or a local government; can I be a candidate?

Some state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work**. If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer**.